

REGIONAL RESPONSE TEAM 10/NORTHWEST AREA COMMITTEE (RRT/NWAC) EXECUTIVE SESSION MINUTES

0800 – 1530 Wednesday 20 November 2013

Oregon Department of Environmental Quality 10th Floor Conference Room
811 SW Sixth Avenue Portland, Oregon 97204

Sign-in sheets can be viewed [here](#).

Action Items:

- Ms. Parker to send the draft response regarding dispersant use policy comments to the RRT executives.
- Ms. Yender to send technical information regarding dispersant use compiled by NOAA to the RRT executives.
- Ms. Parker to post the API technical reports to the private RRT web site.

Upcoming Meetings

Date	Time	Type/Location	Subject
26 November 2013	0900 – 1030	Conference Call	Annual Summit Prep
10 December 2013	0830 – 1630	Federal Center South	3 rd Annual NWACP Summit
13 December 2013	1000 – 1430	Conference Call	Steering Committee Summit Results
19 December 2013	1300 – 1500	Conference Call	RRT Executives Review of Summit Results
9 January 2014	1300 – 1530	Conference Call	RRT Executives Final 2014 Task Forces Decision
12-13 February 2014	All day	Seattle, location TBD	RRT Meeting

Safety Briefing, Introductions, Opening Remarks

Ms. Heather Parker of the United States Coast Guard District 13 (USCG D13) welcomed everyone to the meeting and introduced herself and Ms. Josie Clark of the United States Environmental Protection Agency (USEPA). Mr. Don Pettit of Oregon Department of Environmental Quality (ODEQ) gave a safety briefing.

Mr. Terada of the United States Environmental Protection Agency (USEPA) welcomed everyone and appreciated the involvement of representatives and expressed his appreciation of the attendance at the public meeting yesterday, especially to members of industry. He noted that Mr. Chris Field of EPA is currently in Alaska working on outreach to the Tribes and Native Villages to discuss the new dispersant policy for the Alaska Regional Response Team (RRT). He welcomed all the agencies back from the government shutdown and thanked the states for their support during the shutdown.

Mr. Bob McFarland of USCG D13 welcomed everyone and also expressed his appreciation for the large attendance. He appreciated the transparency evident in the public meeting. He noted the new fiscal year has started and there is still uncertainty with regards to the budget.

Introductions of attendees were conducted. Mr. Dale Jensen from the Washington Department of Ecology (Ecology) provided an extended introduction for the Washington State Department of Health representative, Mr. Mark Soltman; Washington State Department of Health representation has recently been re-introduced to the RRT Executive Committee.

Agency Roundtable Updates

US Department of Interior

Ms. Allison O'Brien stated that she is hopeful she will obtain travel funding to work on the Geographic Response Plans (GRPs) and emerging risk issues with regards to oil and transportation.

Washington State Department of Health

Mr. Mark Soltman stated he is pleased to be attending the meeting and is looking forward to participating with the RRT. His initial attendance is to appropriately scope WA DOH involvement. Due to his retirement in the next year, he will not become the long term representative to the RRT/NWAC.

Washington State Department of Ecology

Mr. Dale Jensen updated on new hires in the agency including a Communications Director. Ecology has submitted a proposal to the Governor for three new positions within the agency for outreach in the inland area to develop GRPs on the east side of the state over the next five to six years. Since there has been increased focus on inland rail transportation, he is requesting funding for an engineer to look at rail infrastructure. Additionally due to the increase of influence on vessel traffic, Ecology is requesting funding for a marine traffic specialist to focus on marine risks in Puget Sound.

Idaho Department of Environmental Quality

Mr. Mark Dietrich reported that Idaho Department of Environmental Quality (IDEQ) has conducted a large-scale worst-case drill with Philips 66 outside of Kellogg, ID. The drill went well with great industry and multi-agency participation. Tesoro has taken over management of the Chevron pipeline that originates in Utah and they have agreed to develop limited GRPs for southeastern Idaho. Tesoro is in the process of conducting a complete pipeline evaluation; including hydrostatic testing of the pipeline that has already led to the replacement of some sections. There are two six-inch pipelines that originate in Salt Lake City, Utah travel north through Utah then enter southeast Idaho and then onto Boise, Idaho. From there, the pipeline goes through Richland, Washington and terminates in Spokane, Washington. The line was constructed in the early 1960s and construction elements were not the same for all segments of the pipeline which has created a challenge in evaluation of the pipeline and has led to replacement of sections.

Oregon Department of Environmental Quality

Mr. Bruce Gilles reported that GRP activities on the Lower Columbia River are continuing. The Warm Springs response was challenging partly because of the Federal government shutdown. The I-84 spill was challenging because of the time it took to get the Material Safety Data Sheet (MSDS) from the shipper as the material was not generally known to responders and is toxic, and the weather provided an additional challenge. The Boardman Creek work continues and the source of the oil release has finally been discovered. There was a worst-case scenario drill conducted last week with a public meeting in Astoria to discuss how the state would respond during an M9.0 earthquake. ODEQ has also conducted a contractor training session this past

September. The operating budget has been finalized and funding will not cover all of the work planned, ODEQ are exploring increasing fees to cover the shortfall in the budget. ODEQ is being reorganized from a resource based response system (i.e. air, water, land format) into a system more similar to the Incident Command System (ICS).

US Environmental Protection Agency

Mr. Calvin Terada reported on the challenges of managing budgets over the last year and supporting the state partners. He stated there have been some spills on the Clearwater/Lochsa River and EPA has been working closely with the Nez Perce Tribe on the abilities of the EPA with regards to the Clean Water Act. The Warm Springs Response is an example where the goal was no remaining contamination, the challenge is conveying to tribes and stakeholders that this goal is not achievable in all responses. EPA is preparing to update the Upper and Middle Columbia River GRPs. Mr. Terada spoke with Mr. Pat Brady of Burlington Northern Santa Fe (BNSF) at the public meeting to inquire if he would be available to provide health and safety training and outreach to the local communities on the eastern side of Washington State with regards to the emerging oil transportation issue. Mr. Terada reported this past year that a vulnerability analysis was conducted for the Chena River and it was determined the local fire department does not have adequate resources or training to respond if there is a leak or spill from the pipeline. A limited GRP has been prepared for 7 miles of the Chena River where it flows through Fairbanks. Ms. Pilkey-Jarvis suggested Ecology and EPA work together to find efficiencies during the update the Columbia River GRPs.

US Coast Guard District 13

Mr. Bob McFarland reported on the World War II Zalinski shipwreck off the Canadian Coast. The wreck has been infrequently releasing oil. In order to alleviate these releases the Canadian Coast Guard (CCG) decided to tap and extract the remaining oil from the wreck. The US Coast Guard District 13 provided coaching to the CCG on the use of ICS during their response operations. Mr. McFarland suggested inviting the CCG to attend upcoming ICS-300 trainings.

Mr. McFarland reported that Endangered Species Act (ESA) Section 7 consultation is still an important topic. He recently received the USCG headquarters policy on consultation and essential fish habitat which will provide the agency partners with information on the direction and policy that has been provided. In summary the agency does not have the funds to conduct a Biological Opinion or Biological Assessment for each area covered by the contingency plans. He further reported on the Clean Gulf conference that was conducted the week of 11 November. Mr. McFarland received inquiries from various agencies with regards to best practices for keeping the region's Area Plan current. He commended the group for meeting regularly and working in task forces to understand issues and keep the plan up to date on an annual basis.

Ms. Parker reported that the USCG policy on ESA consultation did not provide any new direction or solutions. Additionally, she spoke of an email received on the final day of the public comment period, 30 October from Dr. Riki Ott (PhD) requesting the dispersant use policy be removed from the Area Plan. EPA had received a similar request for the Alaska Area Plan, and Mr. Field recommended sending a return e-mail stating this is an issue that is being considered by USCG and NOAA at the national level and to thank her for her input. In recognition that Dr. Riki Ott has provided comment to several agencies regarding dispersant use, the Executive Committee agreed to share information and broaden internal distribution of response to this comment so that all the

agencies are coordinated. Mr. McFarland stated the response letter that will be sent from him and Mr. Field will be copied to all RRT members prior to being sent. Ms. Karen Larsen suggested contacting the Public Affairs offices within the EPA and USCG to give inform them the issue is being raised. Ms. Parker reported Mr. Field has prepared a draft reply which was sent to Mr. McFarland who has forwarded it to USCG attorneys, the letter will then be sent to all of the RRT executives that have dispersant use authority. **Ms. Parker will send the original letter to the RRT. Ms. Ruther Yender [National Oceanic and Atmospheric Administration (NOAA)] reported that NOAA is compiling detailed information regarding dispersant use and will forward the reply from NOAA to the RRT as well.** A conference call with the executives will be scheduled to discuss additional steps, if necessary. Ms. O'Brien recommended that Mr. McFarland consider having all replies be sent by Ms. Parker so that a precedent for response from the RRT chair is not set.

Oregon Emergency Management

Mr. Matt Marheine reported the agency has a new director (Mr. Dave Stuckey), a new Deputy Director (Ms. Laurie Van Leuven), and he spoke of his experience with emergency management. The Oregon Real Time Assessment and Planning Tool for Oregon (RAPTOR) is a GIS viewer allows users to view and interact with critical geospatial basemaps, aerial imagery, preparedness, hazards, weather and event related data via the internet for Oregon and its neighboring states. There are two new GIS-based positions that have been created in order to facilitate next generation technology, RAPTOR, and the use of Ops Center. Additionally a NIMS Coordinator planner position has also been opened through the Domestic Preparedness Program.

US Army Corps of Engineers

Mr. Tim Dykstra gave kudos for the presentations and information that was presented at the public meeting on 19 November. The Corps conducts an annual training for all the environmental compliance personnel. The next training is March 2014 and he has requested Mr. Byers of Ecology to provide the Oil Sands Training. The Corps recently conducted a worst-case scenario drill in Dexter, Oregon with multi-agency participation. Don Rudman has returned as an environmental compliance officer for USACE in Walla Walla, Washington. Mr. Tim Dykstra also stated that it is his intention to increase the visibility of the RRT within the USACOE.

US Coast Guard Sector Puget Sound

Commander Matt Schoonover reported that Captain Ferguson is retiring summer 2014. There were a number of exercises/drills that were conducted this past year, with a much higher level of maturity with regards to response capability and industry buy-in. For the next 6 to 12 months liquefied natural gas (LNG) is a looming issue with the Washington State Ferries looking into using LNG and arctic drilling with Shell making another push to drill in the Arctic region.

US Coast Guard Sector Columbia River

Captain Mackenzie reported on the oil by rail program in Grays Harbor. He noted the Port Commissioners are in favor of the expansion program which was surprising given the risks associated with such an expansion. The LNG facility in Warrenton, Oregon is experiencing local opposition. The facility in Jordan Cove in Coos Bay, Oregon does not have as much local opposition. The vessel and facility inspections are all important topics with regards to the Coos Bay facility. Captain Mackenzie may request additional personnel to be placed in the Coos Bay area if the facility is built. Captain Mackenzie reported that Captain Jones is also retiring but a replacement has not been identified. Captain Mackenzie appreciated the rail road discussion at the 19 November public meeting.

Regulatory requirements of the rail road are evolving and it is clear that the primary priority of the industry during a response will be to get the rail line operational. Captain Mackenzie also identified a need to increase the robustness of rail road response plans.

Positive feedback on the broadcast of the 19 November meeting was also provided. Industry interest in high volume port lines will require increased safety systems and capabilities of response agencies (including increased number of tug boats for disabled ships). The public needs to be aware that the response capability is lacking in response to increased traffic associated with port developments.

Agency for Toxic Substance and Disease Registry

Ms. Karen Larson reported that there is currently an unknown budget for the next year. Ms. Larson also reported that Region 10 is using a different model than US Health and Human Services which uses only US Public Health commissioned officers while Region 10 has elected to use the most experienced responder regardless if they are civilian or public health service. There is a new position in the office that will be dedicated for 2 years. The spill in Baker City, Oregon on I-84 response necessitated consulting with ATSDR because of the human exposure that occurred. Ms. Larson reminded the group that not all MSDS sheets are the same and sometimes information needs to be obtained from other sources. During the I-84 spill response it was noted that dermal exposure was not properly protected, and response agencies did not adequately recognize the exposure or direct good-Samaritans on proper routes to exit the scene.

National Oceanic and Atmospheric Administration

Ms. Ruth Yender reported on the Shoreline Cleanup Assessment Technology (SCAT) training that was conducted in Portland, Oregon, that was attended by multiple agencies. NOAA just issued an update on the Assessment tool, which is available on-line. The wetlands guide which is also available on-line has recently been updated. In 2014, NOAA will be updating the environmental sensitivity map for the Washington and Oregon coasts. They will be identifying the biological information that will be in the map, which are intended to be used in the initial stages of a response to assist in planning while notifications are being made. Ms. Yender also provided updates on several additional resources: NOAA and the University of Washington recently released a paper on Oil Sands and are in the process of writing a paper on the changing national energy infrastructure. Ms. Yender also provided insights from a recent response in Hawaii where a molasses spill resulted in more than 100,000 fish being killed. Ms. Yender brought up this incident to illustrate the effects of unregulated pollutants.

ARTES Updates

Mr. Mike Cortez of British Petroleum gave a presentation on Alternative Response Technology and amendment of the ICS structure. This presentation can be viewed [here](#). Mr. Cortez requested a response regarding endorsement from the RRT 10. **Ms. Parker will post the API technical reports to the private web page. RRT Executive Committee asked questions and voiced concerns regarding trigger points for a separate Response Technology unit, process for screening deployment of alternate technology through the Environmental Unit, and how technologies are carried through the environmental review process. Black ops conducted during the response to the Deepwater Horizon oil spill were put forward as an example of improper vetting of alternate response technology through the Environmental Unit.**

Summit Overview: Objectives, Inputs and Process

Ms. Parker gave a power point presentation on the upcoming 2014 Summit. This presentation can be viewed [here](#). A conference call will be conducted on 19 December at 1300 to 1500. A final decision making conference call will be held 9 January 2014 at 1300. Please send slides for the Summit by 22 November 2013 to Ms. Parker and Ms. Clark. The next RRT NWAC meeting will be conducted in Seattle 12-13 February 2014.

Notification Expectations

Ms. Linda Pilkey-Jarvis of Ecology gave a presentation on the updated Washington State oil spill law. This presentation can be viewed [here](#).

Lieutenant Commander Tim Callister of USCG D13 gave a presentation on reporting requirements for the USCG. This presentation can be viewed [here](#). A discussion of differing reporting requirements between Ecology and USCG was conducted. NOAA also requested notification of incidents given the current political current. Ecology and NOAA would prefer over-notification.

Brief of PIER and Vessel of Opportunity and Volunteer Programs

Ms. Pilkey-Jarvis provided a presentation of the Volunteer Management System. This presentation can be viewed [here](#).

Ms. Nhi Irwin gave a demonstration of the PIER system which is used for volunteer management at Ecology. The Ecology page can be viewed [here](#). Mr. McFarland noted the roll of the RRT will be volunteer expectation management. Mr. Matt Marheime suggested that the PIER system send out quarterly e-mails to confirm volunteer's participation in the program. Mr. Marheime suggested that they do not respond to quarterly e-mails than they may be administratively removed from the volunteer roster.

Endangered Species Act Emergency Consultation Working Session

Lieutenant Commander Tim Callister facilitated a working session on Endangered Species Act (ESA) Section 7 Emergency Consultation process. The session began with introduction of attendees then followed with a brief presentation by LCDR Callister which can be viewed [here](#). LCDR Callister introduced the Inter-agency Memorandum of Agreement Regarding Oil Spill Planning and Response Activities under the Federal Water Pollution Control Act's National Oil and Hazardous Substances Pollution Contingency Plan and the Endangered Species Act. This document can be viewed [here](#). The USFWS has prepared an Endangered Species Act Emergency Response Process document which can be viewed [here](#).

ESA Definitions

Federal Action – Any action that the Federal government funds, permits, authorizes or otherwise carries out.

Listed Species – As defined by USFWS “A species, subspecies, or distinct vertebrate population segment that has been added to the Federal lists of Endangered and Threatened Wildlife and Plants that appear in the Code of Federal Regulations”. There are two agencies, NMFS and USFWS that list the species. A third party submits a species for listing and either NMFS or USFWS (depending on the species) conducts an evaluation of the species to determine if it warrants a threatened or endangered listing. Typical third parties consist of environmental groups, states, or interest groups. All species are reviewed every 5 years to determine if the species should be delisted.

Species listed by the USFWS can be viewed here: <http://www.fws.gov/endangered/>. The user will need to navigate to the state in which the response is located which will generate a list of all species for that state.

Species listed by the NMFS can be viewed here:

http://www.westcoast.fisheries.noaa.gov/#movedprotected_species/marine_mammals/esa_listed/esa_listed_marine_mammals.html. The user will then click on the pull-down menu on the left titled “Protected Species” to see a list of the species. Clicking on a specific species will take the user to additional information for that species.

Critical Habitat – As defined in the MOA “Areas designated by the USFWS and NMFS pursuant to Section 4 of the ESA for the purposes of identifying areas essential for the conservation of a threatened or endangered species and which may require special management considerations”. The designation of critical habitat has historically been conducted after species listing, now it is being conducted concurrently. Not all species have designated critical habitat. USFWS hosts an on-line mapping tool which can be viewed here: <http://ecos.fws.gov/crithab/>. USFWS also has a web page that is under development that will show features such as wetlands and critical habitat. The site is partially functional; however, some portions are still under construction. The web mapping tool can be viewed here: <http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action>. NMFS also hosts a mapping tool for essential fish habitats which can be viewed here: <http://www.habitat.noaa.gov/protection/efh/habitatmapper.html>.

Take – As defined by USFWS “The term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct”.

Biological Assessment – As defined by USFWS “A document prepared for the Section 7 process to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat”.

Biological Opinion – As defined by USFWS “A document that is the product of formal consultation, stating the opinion of the Service on whether or not a Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat”.

Types of Consultation

Emergency Consultation – This type of consultation would occur during the incident but does not preclude the need to conduct formal consultation. An emergency consultation is not listed in the ESA but is provided for in regulations and discusses events that involve Acts of God, disasters, and casualties. A spill is almost always going to be considered an emergency. This type of consultation would occur via e-mail or telephone conversation.

Informal Consultation – This type of consultation is a quick manner in which the Action Agency (EPA or USCG) evaluates the potential effects, if any, on listed species and their habitats or to help determine if there is a need to enter the more formal extensive formal consultation process. A letter of concurrence would be received following the response. If USFWS and/or NMFS do not concur with the assessment of the federal agency, then formal consultation would be required.

Formal Consultation – This type of consultation will occur if it is determined the response action will result in a “likely to adversely affect” a listed species or a “take” has occurred. Formal consultation may last up to 90 days and the USFWS and/or NMFS would prepare a Biological Opinion.

If USCG or EPA determines there is no effect, then there is no need for consultation; however, given the expanse of critical habitat in the NW, this scenario is not likely and must be documented why the agency believes there is no effect. If the determination is “not likely to affect” consultation still needs to occur, through informal consultation.

Clarification

Notification to USFWS and NMFS does not constitute consultation. USFWS may be on-scene for other reasons than consultation and their presence alone does not indicate that consultation is being conducted. USFWS and/or NMFS could be on the site as additional resource expertise for other land or bird species that are not listed as threatened or endangered.

The size of the response does not dictate the potential for adverse effect to a species. Effect can occur on the smallest of incidences.

During a consultation, the USFWS representative would discuss the presence of threatened and endangered species, critical habitat, and any other special conditions that exist (e.g. nesting species). In addition, the USFWS representative would have better knowledge if the species would be present during a specific time or year or if the species would be involved in a specific activity that would be important to consider during the response.

Mr. McFarland thanked LCDR Callister for leading the conversation.

Mr. Terada echoed everything said by Mr. McFarland.